IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 6080 of 2005

Between:

1 Chalcheema Subba Rao, s/o Ramakrishnaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
2 Bodlapati Pedda Babu, s/o Chinna Venkatrao,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
3 Gurram Venkaiah, s/o Kotaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
4 Bottala Thirupathaiah, s/o Peraiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
5 Chalcheema Brahmaiah, s/o Hanumantha Rao,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
6 Chalcheema Yamalaiah, s/o Ramaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
7 Bodlapati Pedda Venkatrao, s/o Veeraiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
8 Chalcheema Galaiah, s/o Veeraiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
9 Chalcheema Sambaiah, s/o Satyanarayana,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
10 Nallapaneni Anjaneyulu, s/o Venkateswarlu,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
11 Chalcheema Rathaiah, s/o Satyanarayana,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
12 Chalcheema Venkata Siva Rao, s/o Rangaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
13 Chalcheema Masthan, s/o Kotaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
14 Chittipothula Hanumantharao, s/o Naraiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
15 Bottala Subba Rao, s/o Venkatramaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
16 Pathuri Srinivasa Rao, s/o Venkateswarlu,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.

17 Bodlapati Chinna Venkatarao, s/o Veeraiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
18 Manukonda Sambasiva Rao, s/o Poornaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
19 Chalcheema Satyanarayana, s/o Venkateswarlu,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
20 Manukonda Thirupathaiah, s/o Veeraswamy,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
21 Chalcheema Venkateswarulu, s/o Ramaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
22 Bottala Samrajyam, s/o Lakshmaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
23 Chalcheema Ratnasekhar Rao, s/o Venkateswarulu,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
24 Nallapaneni Venkateswarulu, s/o Venkaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
25 Chalcheema Rangaiah, s/o Suryanarayana,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
26 Chalcheema Sarojini, d/o Venkateswarulu,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
27 Manukonda Madhubabu, s/o Thirupathaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
28 Chalcheema Mallikarjuna Rao, s/o Venkateswarulu,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
29 Bobtala Venkatrao, s/o Appaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
30 Chalcheema Koteswara Rao, s/o Masthan,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
31 Chalcheema Nasaraiah, s/o Kotaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
32 Bobtala Venkaiah, s/o Ramakotaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
33 Kommineni Ram Prasad, s/o Seshaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
34 Manumakonda Nageswara Rao, s/o Masthanaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
35 Bobtala Venkatrao, s/o Appayya,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
36 Chalchima Rambabu, s/o Ratna Sekhar Rao,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
37 Bobtala Nagarathnam, s/o Ramakotaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
38 Bobtala Brahmaiah, s/o Hanumaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
39 Chalchima Venkataratnam, s/o Rathaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
40 Chalchima Srihari Rao, s/o Kotaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
41 Gurram Shingarao, s/o Siddaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
42 Chalchima Narsaiah, s/o Ramaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
43 Chitipothula Anjaiah, s/o Naraiah,

r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
44 Chalchima Raghavendra Rao, s/o Anjaneyulu,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
45 Hanumakonda Seetharamamma, w/o Venkateswarlu,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
46 Bobtala Pichaiah, s/o Venkateswarlu,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
47 Chalchima Veeranjaneyulu, s/o Galaiah,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.
48 Chalchima Nagaraja Kumari, w/o Anjaneyulu,
r/o Yellamanda, Narasaraopeta Mandal, Guntur District.

....PETITIONERS

AND

1 The District Collector, Guntur.
2 The Revenue Divisional Officer, Narasaraopeta, P.O., Guntur District.

...RESPONDENTS

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 6080 OF 2005

ORDER:

1. This writ petition is filed by the petitioners who are 48 in number with a prayer to issue writ, order or direction in the nature of Mandamus declaring the proceedings in R.C.No.175/05/G-3, dated -02-2005 of the 1st respondent issued under Section 4(1) of Land Acquisition Act as illegal, arbitrary, violative of Articles 14 and 21 of the Constitution of India.

2. The 4th petitioner has given his sworn affidavit in support of the writ petition. It is

averred in the affidavit that the petitioners are cultivating the lands as tenant by taking on lease from Archaka of the temple. It is the further case of the petitioners that some of them are small formers and some of them landless poor and if they deprived of the leased lands,, it would cause great hardship to them.

3. The respondents filed counter affidavit. It is stated in the counter affidavit that the Archaka of the temple is not empowered to give the lands on lease. It is further stated in the counter affidavit that Section 5-A notification is not dispensed with and Revenue Divisional Officer, Narasaraopet has been appointed to conduct enquiry under Section 5-A of the Land Acquisition Act. I deem it appropriate to refer para 5 of the affidavit and it is thus;

> "*In reply to the averments made in para 7 of the petitioners' affidavit it is submitted that it is true that the Collector has approved the Draft Notification under Section 4(1) of the Land Acquisition Act in his Proceedings Rc.175/05 G3, dated 2-3-2005 and published the same in the Guntur District Gazette on 5-3-2005. The same were also published in Andhra Jyothi, Guntur Edition dated 5-3-2005 and Krishna Patrika dated 17-3-2005 stating that the land measuring Ac. 18-12 cents in Sy.No.758/3 of Yallamanda village is needed for public purpose for providing house sites to Scheduled Castes and Scheduled Tribe Minorities and Backward Classes and Economically Backward Classes and appointed Revenue Divisional Officer, Narasaraopet to perform the functions of the District Collector under Section 5-A of the Land Acquisition Act.".*

4. The learned counsel for the petitioners submits that some of the petitioners are small farmers and some of them are landless poor and therefore the acquisition of the leased land will deprive them of their livelihood. He further submits that the purpose for which the lands require to be acquired is not bona fide.

5. The learned Government Pleader for Land Acquisition appearing for Respondents No. 1 and 2 submits that Section 5-A enquiry is not dispensed with and therefore the petitioners are at liberty to participate in the enquiry and raised their objections.

6. The petitioners claimed that they are the lessee of the lands having taken the same from the Archaka. It is the contention of the respondents that Archaka is not

empowered to grant land on lease. The question whether the Archaka is entitled to lease the lands or not is beyond the scope of the writ petition. It is suffice to say that Section 5-A enquiry is not dispensed with and indeed the Revenue Divisional Officer, Narsaraopet has been appointed to conduct the enquiry under Section 5-A of the Land Acquisition Act. Such is the case, the petitioners are at liberty to participate in the enquiry under Section 5-A of the Land Acquisition Act and submit their objections.

7. Therefore, the writ petition is devoid of merits and accordingly dismissed. No order as to costs.

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B.Seshasayana Reddy, J.

26th July, 2005.

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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W.P.No. 6080 OF 2005

26th July, 2005.